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MONTANA LEGISLATIVE HISTORY

Chapter 440 19 85

Bill H 332 S _____ Original bill & history ✓C

H. Committee on Judiciary		S. Committee on Highways & Transportation	
Hearing Date(s) Feb 05	✓C	Hearing Date(s) Mar 15	✓C
_____	C	Mar 28	✓C
_____	C	_____	C
_____	C	_____	C
Date Out Feb 05	✓C	Mar 28	✓C

Did this bill originate in an interim committee? ____Yes ____No

Committee _____ Report _____

4/05	3RD READING AMENDMENTS CONCURRED	92	2
4/12	SIGNED BY SPEAKER		
4/12	SIGNED BY PRESIDENT		
4/12	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 494 EFFECTIVE DATE: 1/1/86		

HB 332 INTRODUCED BY BRADLEY, WALLIN, BACHINI
AMEND PENALTY FOR VIOLATION OF MOTOR VEHICLE REGISTRATION & INSURANCE LAWS

1/22	INTRODUCED		
1/22	REFERRED TO JUDICIARY		
2/05	HEARING		
2/05	COMMITTEE REPORT-BILL PASS AS AMENDED		
2/07	2ND READING PASS	88	5
2/08	3RD READING PASS	94	5
	TRANSMITTED TO SENATE		
2/09	REFERRED TO HIGHWAYS & TRANSPORTATION		
3/19	HEARING		
3/28	COMMITTEE REPORT-BILL CONCURRED		
3/30	2ND READING CONCURRED	30	8
4/01	3RD READING CONCURRED	42	5
	RETURNED TO HOUSE		
4/08	SIGNED BY SPEAKER		
4/08	SIGNED BY PRESIDENT		
4/08	TRANSMITTED TO GOVERNOR		
4/11	SIGNED BY GOVERNOR		
	CHAPTER NUMBER 440 EFFECTIVE DATE: 10/01/85		

HB 333 INTRODUCED BY BRADLEY, WALLIN, BACHINI
ALLOW A JP OR MUNICIPAL JUDGE TO NAME A PERSON TO ACT AS JUDGE IN HIS BEHALF

1/22	INTRODUCED		
1/22	REFERRED TO JUDICIARY		
2/05	HEARING		
2/05	COMMITTEE REPORT-BILL DO PASS		
2/09	2ND READING PASS AS AMENDED	92	3
2/11	3RD READING PASS	95	4
	TRANSMITTED TO SENATE		
2/12	REFERRED TO LOCAL GOVERNMENT		
3/05	HEARING		
3/08	COMM REPORT-BILL CONCURRED AS AMENDED		
3/12	2ND READING CONCURRED AS AMENDED	50	0
3/14	3RD READING CONCURRED	47	2
	RETURNED TO HOUSE WITH AMENDMENTS		
4/04	2ND READING AMENDMENTS CONCURRED	56	38
4/05	3RD READING AMENDMENTS CONCURRED	69	26
4/12	SIGNED BY SPEAKER		
4/12	SIGNED BY PRESIDENT		
4/12	TRANSMITTED TO GOVERNOR		
4/15	SIGNED BY GOVERNOR		

HOUSE BILL NO. 332

INTRODUCED BY BRADLEY, WALLIN, BACHINI

IN THE HOUSE

January 22, 1985	Introduced and referred to Committee on Judiciary.
February 5, 1985	Committee recommend bill do pass as amended. Report adopted.
February 6, 1985	Bill printed and placed on members' desks.
February 7, 1985	Second reading, do pass.
	Considered correctly engrossed.
February 8, 1985	Third reading, passed.
	Transmitted to Senate.

IN THE SENATE

February 9, 1984	Introduced and referred to Committee on Highways and Transportation.
March 28, 1985	Committee recommend bill be concurred in. Report adopted.
March 30, 1985	Second reading, concurred in.
April 1, 1985	Third reading, concurred in. Ayes, 42; Noes, 5.
	Returned to House.

IN THE HOUSE

April 2, 1985

Received from Senate.

Sent to enrolling.

Reported correctly enrolled.

HOUSE BILL NO. 332

INTRODUCED BY Bradley Williams Bachini

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE PENALTY FOR VIOLATION OF LAWS RELATING TO CERTIFICATES OF OWNERSHIP, REGISTRATION, AND TAXATION OF MOTOR VEHICLES AND THE INSURANCE RESPONSIBILITY OF VEHICLE OWNERS; PROVIDING FOR PUNISHMENT OF VIOLATIONS BY A FINE NOT EXCEEDING $250 OR IMPRISONMENT IN A COUNTY JAIL FOR NOT MORE THAN 10 DAYS, OR BOTH; AMENDING SECTIONS 61-3-601 AND 61-6-304, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 61-3-601, MCA, is amended to read:

"61-3-601. Penalty for violations. Except as otherwise provided, a violation of any of the provisions of this chapter is a misdemeanor and is punishable by a fine not exceeding ~~$25~~ $250 or by imprisonment in the county jail for not more than 10 days, or both. Nothing contained herein prevents the prosecution of a person for an offense committed under any other law."

Section 2. Section 61-6-304, MCA, is amended to read:

"61-6-304. Penalties. It is unlawful for any person to operate a motor vehicle upon highways, streets, or roadways of this state without a valid policy of liability insurance in effect in an amount not less than that provided in

61-6-301 or unless such person has been issued a certificate of self-insurance pursuant to 61-6-143 or has previously posted an indemnity bond with the division of motor vehicles as provided by 61-6-301 or is operating a vehicle exempt under 61-6-303. A violation of 61-6-301 through 61-6-304 is a misdemeanor punishable by a fine not to exceed $250 or by imprisonment in the county jail for not more than 10 days, or both."

-End-

INTRODUCED BILL
HB 332

MINUTES FOR THE MEETING
JUDICIARY COMMITTEE
MONTANA STATE
HOUSE OF REPRESENTATIVES

February 5, 1985

The meeting of the Judiciary Committee was called to order by Chairman Tom Hannah on Tuesday, February 5, 1985 at the hour of 8:00 a.m. in Room 312-3 of the State Capitol.

ROLL CALL: All members were present.

CONSIDERATION OF HOUSE BILL NO. 352: Rep. Richard Nelson, sponsor of HB 352, testified. Rep. Nelson stated that this bill was introduced at the request of the 11th Judicial District Judge in Kalispell. The bill would allow an associated misdemeanor to be taken care of in district court along with a felony in order to alleviate some of the cost and time involved in a prosecution. He said Judge Keedy feels it is a matter of efficiency of handling related offenses together.

Larry Majerus, Administrator of the Motor Vehicle Division of the Department of Justice, also appeared and spoke in favor of the bill. The department specifically supports the changes in page 1, lines 23 to 25 and page 2, lines 4 through 6. The department does not have a position on subsection 1, 2 and 3.

There being no further proponents or opponents to the bill, Rep. Nelson closed. In response to a question from the committee, Rep. Nelson said that this bill should be considered as a separate item from HB 476. Rep. Mercer pointed out that HB 352 is sort of a flipside to HB 476.

In response to a question asked by Rep. Mercer, Mr. Majerus stated his understanding of the bill will not give the district court concurrent jurisdiction in misdemeanors where there is only a low misdemeanor. This would deal only with the cases where there is both a high misdemeanor and a low misdemeanor.

There being no further questions, hearing closed on HB 352.

CONSIDERATION OF HOUSE BILL NOS. 332, 333, 335: Upon approval of Chairman Hannah, Rep. Bradley testified in support of all three bills which she sponsored.

HOUSE BILL NO. 332: Rep. Bradley submitted some amendments. She wishes to delete section 1 in its entirety because she didn't mean to get into that area. The title needs to be amended accordingly in order to conform with

Rep. Brown moved that HB 340 DO PASS AS AMENDED. The motion was seconded by Rep. Gould and discussion followed.

Rep. Montayne stated his disapproval of the bill because he feels it is unfair. Rep. Keyser, on the other hand, feels the bill is reasonable as it has changed the time frame in regards to abandonment and it sets some definite time periods.

Rep. Rapp-Svrcek feels the bill will not have a great deal of impact. He feels the bill is reasonable for both the tenant and the landlord. The question was called on the motion to pass as amended, and it carried with Reps. Kruegar and Montayne dissenting.

ACTION ON HOUSE BILL NO. 352: Rep. Keyser moved that HB 352 DO PASS. The motion was seconded by Rep. Gould.

Brenda Desmond, committee researcher, pointed out the difference of HB 352 and HB 476. She stated that there is no conflict between the bills. The question was called and the motion for a DO PASS carried unanimously.

ACTION ON HOUSE BILL NO. 447: Rep. Brown moved that HB 447 DO PASS. The motion was seconded by Rep. Kruegar, and discussion followed.

Rep. Miles spoke in favor of the bill stating that it one more attempt to make child support monies due and owing available to the child.

Rep. Mercer also stated his support for the bill although he did state his concern for the language on line 17. He moved to amend line 17 by deleting the language "debts created by the". The motion was seconded by Rep. Rapp-Svrcek and carried unanimously. Rep. Addy moved that HB 447 DO PASS AS AMENDED. The motion was seconded by Rep. O'Hara and passed with Rep. Cobb voting no.

ACTION ON HOUSE BILL NO. 310: Rep. O'Hara moved that HB 310 DO PASS. The motion was seconded by Rep. Hammond, and discussion followed.

Rep. Kruegar submitted several amendments for the committee's approval. His first amendment was to insert "or threatening" following "alleging" on page 5, line 2. He feels the amendment would make it clearer in terms of the threatening nature of physical abuse. The court are somewhat reluctant to enter a temporary restraining order in relation to threats of serious bodily harm. The second provision deals with the addition of persons related by blood or marriage. Rep. Kruegar says he has a problem will the present all-encompassing language. He feels those people related by blood or marriage

DAILY ROLL CALL

HOUSE JUDICIARY COMMITTEE

49th LEGISLATIVE SESSION -- 1985

Date 2/5/85

NAME	PRESENT	ABSENT	EXCUSED
Tom Hannah (Chairman)	✓		
Dave Brown (Vice Chairman)	✓		
Kelly Addy	✓		
Toni Bergene	✓		
John Cobb	✓		
Paula Darko	✓		
Ralph Eudaily	✓		
Budd Gould	✓		
Edward Grady	✓		
Joe Hammond	✓		
Kerry Keyser	✓		
Kurt Krueger	✓		
John Mercer	✓		
Joan Miles	✓		
John Montayne	✓		
Jesse O'Hara	✓		
Bing Poff	✓		
Paul Rapp-Svrcek	✓		

STANDING COMMITTEE REPORT

February 5 19 55

MR. SPEAKER:

We, your committee on JUDICIARY

having had under consideration HOUSE BILL Bill No. 352

FIRST reading copy (WHITE)
color

Respectfully report as follows: That HOUSE Bill No. 352

DO PASS

STATE PUB. CO.
Helena, Mont.

REP. TOM HANNAH Chairman.

COMMITTEE SECRETARY

VISITORS' REGISTER

JUDICIARY COMMITTEE

BILL NO. 352 DATE 2/5/85

SPONSOR Rep. Nelson

NAME (please print)	RESIDENCE	SUPPORT	OPPOSE
TODD HUDAK	MT. ASSN. OF COUNTIES		—
Larry Majerus	Div. of Mtr. Vehicles	X	
CYNTHIA WHITE	MSU		
			—

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR WITNESS STATEMENT FORM

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

CS-33

Senator Hager asked Larry Majerus if a person would have the right to ask for their license to be reissued if they turned over the age of 19 before the license expired? Mr. Majerus replied that they could obtain a duplicate or turn their license in for a new one for a fee of $5.

Senator Weeding asked Larry Majerus if other states only target at the 19 and under group of people? Mr. Majerus replied that to his knowledge all the profile licenses are tied to the drinking age in the other states.

Representative Devlin closed by stating that the partial view of the picture on the license would seem better, the full profile may cause problems with identification. He thought the department would go with the partial profile if the bill was passed.

The hearing was closed on HB 254.

CONSIDERATION OF HOUSE BILL 332: Representative Bradley, House District 79, was the sponsor of this bill. This was introduced at the request of the Justices of Peace. This bill deals with penalties for operating a motor vehicle without liability insurance. The change adds to the $250 fine already existing in the law, the option of imprisonment in the county jail for not more than 10 days, or both. The Justice of the Peace Association wanted this as a matter of increasing their leverage to stronger enforcement. They felt it was not really too severe because you can suspend the sentence. The general summary of this bill is attached as EXHIBIT 1C.

PROPONENTS: Representative Bradley, House District 79, spoke in support of HB 332.

OPPONENTS: There were no opponents to HB 332.

Questions from the committee were called for.

Senator Hager asked Representative Bradley if it was not possible to give a jail sentence now the way the law was written now? Representative Bradley replied that was correct, that a fine was the only thing imposed at the present time.

Senator Lybeck asked Representative Bradley if all of this fine would be administered? Representative Bradley replied that it was not to exceed $250.

Senator Lybeck asked if they were ever assessing the $250 fine? Representative Bradley replied if they wanted the jail option, they probably have gone up to that maximum and they wanted something a little more harsher.

Senator Lybeck asked Representative Bradley if she felt this would correct the problem of arrests made do to no liability insurance? Representative Bradley replied that she hoped so and she felt it was going to be a good deterent.

Senator Shaw asked Representative Bradley if the Justice of the Peace could impose this now? Representative Bradley replied they only have the option of the $250 fine now; they want the jail sentence as an alternative to make the penalty a little more harsher.

Senator Bengston asked Representative Bradley if the JP's have any compilation of the number of times they have imposed the $250 fine? Representative Bradley replied that she expected they did, but did not have the statistics then. Representative Bradley stated she could get that information for the committee.

Senator Bengston stated if they are not imposing the $250 fine now, why give them more authority.

Representative Bradley stated that she would have to make an assumption that the JP's felt this penalty was not strong enough. She stated that this was a very serious crime and if the JP's wanted more leverage she was supportive of that.

Representative Bradley stated once again that she would try to get some statistics to the committee.

Senator Weeding asked Representative Bradley what option did the Justice of the Peace have if someone was in violation and did not have or would not pay the $250 fine? Representative Bradley referred the question to Senator Daniels who replied that there was a general statuate that said if you cannot pay the fine then you have to serve it at $10 per day. If you refuse to pay, then you are in comtempt.

Senator Williams asked Representative Bradley if a person was stopped and did not have the proper papers with him at that time, but did have insurance, what would be the option? Representative Bradley replied that the JP would take into consideration that you did have the insurance, but if you were not carrying the proof with you there would probably be a separate penalty dealing with that.

Senator Daniels stated that in his experience, the Judge generally would dismiss the case if you showed him the proof of insurance.

The hearing was closed on HB 332.

CONSIDERATION OF HOUSE BILL 331: Representative Quilici, House District 71, was the sponsor of this bill. The armed forces reservists requested the bill. It gave them the opportunity to to buy special license plates. The bill said that each member of the reservists of the United States who receive special license plates under subsection (1), would be liable for payment of all taxes and fees required under parts 3 and 5 of this chapter. There was no real effect on the general fund, people that want the plates said they would pay for them because they want special recognition. It would be on the same order as the National Guard plates. Representative Quilicistated that a lot of times members of the reserve armed forces travel, and in an event of an emergency the plates

Senator Williams asked when you sell a car to another person, privately, when does your liability stop and the purchaser's start on that particular bill of sale? Does it have to be notorized? Mr. Majerus replied that there was no requirement in the law to notorize the bill of sale, and as he is not an attorney, he could not answer the question on the liability, but he did assume that the burden of proof would be on the person who sold the vehicle because the records at the division will never change; they will still show him as the legal owner of that vehicle. The seller would have to maintain some proof that in fact he or she sold the vehicle.

Senator Williams asked if the vehicle could be insured on the bill of sale without the title? Senator Stimatz replied that normally an auto insurance company would cover any new purchases for thirty days, but it should be checked with your agent to be sure.

Senator Hager asked if the division needed an early effective date on this bill? Mr. Majerus replied he did not believe so. They would like some time to educate the public that the law would be going into effect, if passed, so there would not be any unnecessary ticketing.

The hearing was closed on HB 424.

EXECUTIVE SESSSION was called to order.

DISPOSITION OF HOUSE BILL 424: Senator Williams moved HB 424 BE CONCURRED IN.

Senator Hager made a sub-motion to adopt amendments to HB 424. (SEE EXHIBIT 2) The motion carried and passed unanimously. The amendments to HB 424 were ADOPTED.

Senator Williams moved HB 424 BE CONCURRED IN AS AMENDED. The motion carried and passed unanimously. Senator Lybeck was assigned to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 332: Senator Weeding moved HB 332 BE CONCURRED IN.

There was further discussion.

Senator Farrell asked if the Judge was not levying the $250 fine, and only levying a $25 or $50 fine, if it was right to put the person in jail? Senator Stimatz replied that this bill would give the Judge the power to put the person in jail, but right now he did not have that power.

Senator Farrell asked if the Judges were being as severe with their fines as being placed in jail would be? Senator Daniels replied that Representative Bradley was going to supply that information to the committee.

Senator Bangston suggested that the committee await action on this bill until Representative Bradley gave them the needed information.

Senator Weeding withdrew his motion.

Senator Stimatz stated that they would hold action on HB 332 pending receipt of the information from Representative Bradley.

DISPOSITION OF HOUSE BILL 331: Senator Shaw moved HB 331 BE CONCURRED IN.

Senator Farrell made a sub-motion to adopt amendments to HB 331. (SEE EXHIBIT 3) The motion carried and passed unanimously. The amendments to HB 331 were ADOPTED.

Senator Shaw moved HB 331 BE CONCURRED IN AS AMENDED. The motion carried and passed unanimously. Senator Farrell was assigned to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 254: Senator Bengston moved HB 254 BE CONCURRED IN. The motion carried and passed unanimously. Senator Bengston was assigned to carry this bill on the floor.

RECONSIDERATION OF HOUSE BILL 65: This bill was sent back to the committee on a motion made by Senator Bengston.

Senator Bengston stated that she thought the amendment that was put on at the hearing on this bill was not included in the bill on the floor, and she also felt this law would be unenforceable.

Senator Stimatz stated that the amendments were on the bill, they are not placed in the body of the bill until after second reading.

ACTION ON HOUSE BILL 65: Senator Weeding moved HB 65 BE CONCURRED IN AS AMENDED.

There was further discussion.

Senator Hager stated that he was against the motion, because he talked to a jogger on the day it came out on the floor, and she indicated a real problem. He felt that the bill was too broad, and he felt if people would use common sense and wear light clothing, then the problem would be solved.

Senator Tveit stated that he was in favor of the motion. He felt it was an educational process and saving even one life would be worth passing the bill. He felt the bill had merit and it would alert people to take safety precautions while out jogging or walking.

Senator Williams stated that he thought the intent of the bill was to draw attention to the problem. The $5 fine would not mean much and they probably would not assess any of the fines. Passing the bill would at least get the intention out that there is a problem.

Senator Lybeck stated that he was in favor of the motion. He felt

ROLL CALL

HIGHWAY AND TRANSPORT. COMMITTEE

49th LEGISLATIVE SESSION -- 1985 Date 3-19-85

SENATE SEAT #	NAME	PRESENT	ABSENT	EXCUSED
#7	SENATOR STIMATZ	X		
~~#25~~	~~SENATOR MANNING~~			
#27	SENATOR BENGTSON	X		
#8	SENATOR DANIELS	X		
#32	SENATOR FARRELL	X		
#42	SENATOR HAGER	X		
#48	SENATOR LYBECK	X		
#23	SENATOR SHAW	X		
#3	SENATOR TVEIT	X		
#39	SENATOR WILLIAMS	X		
#26	SENATOR WEEDING	X		

Each day attach to minutes.

DISPOSITION OF HOUSE BILL 332: Senator Bengston moved HB 332 BE CONCURRED IN. The motion carried and passed with the Senator Shaw voting NO. Senator Bengston was assigned to carry this bill on the floor.

DISPOSITION OF HOUSE BILL 710: Senator Lybeck moved HB 710 BE CONCURRED IN.

Senator Hager made a sub-motion to pass some amendments to HB 710. The motion carried and passed unanimously. The amendments to HB 710 were ADOPTED. (SEE EXHIBIT 8)

Senator Shaw moved HB 710 BE CONCURRED IN AS AMENDED. The motion carried and passed unanimously. Senator Hager was assigned to carry this bill on the floor.

Executive session was over.

ADJOURNMENT:

The meeting was adjourned at 2:35 p.m.

LAWRENCE G. STIMATZ
Chairman

STANDING COMMITTEE REPORT

MARCH 28 1935

MR. PRESIDENT

We, your committee on HIGHWAYS AND TRANSPORTATION

having had under consideration HOUSE BILL No. 332

third reading copy (blue color) (SENATOR BENGSTON)

AMEND PENALTY FOR VIOLATION OF MOTOR VEHICLE REGISTRATION & INSURANCE LAWS

Respectfully report as follows: That HOUSE BILL No. 332

BE CONCURRED IN

~~DO PASS~~

~~DO NOT PASS~~

LAWRENCE G. STIMATZ Chairman.